

John Vidurek
Plaintiff
1 South Drive
Hyde Park, New York, 12539

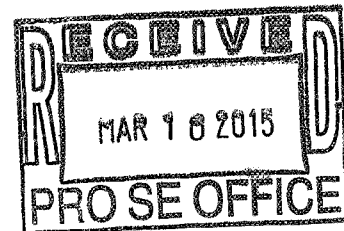
15CV2175

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CASE NO. _____

ORDER TO SHOW CAUSE¹

John Vidurek
Plaintiff, in pro per



-v-

Ruby J Krajick; c/o Federal Building and Courthouse Southern District of NY
300 Quarropas Street; White Plains, NY 10601-4150

John/Jane Doe; c/o Federal Building and Courthouse Southern District of NY
300 Quarropas Street; White Plains, NY 10601-4150

Defendants

¹ SHOW CAUSE. (Blacks 4th) Against a rule nisi, an order, decree, execution, etc., is to appear as directed, and present to the court such reasons and considerations as one has to offer why it should not be confirmed, take effect, be executed, or as the case may be.; Under the commonlaw practice, the first mandamus is an alternative writ; 3 Bla.Com. 111; but in modern practice this writ is often dispensed with and its place is taken by a rule to show cause. See Mandamus.

Upon the affidavit of John Vidurek, hereinafter plaintiff, one of the People² of New York, in this court of record³, sworn to on March 11, 2015, and the annexed action at law setting forth the claims and relief sought by the plaintiff for violating plaintiff's unalienable right of due process protected by Amendment V let the respondents, named in action, show cause in writing within twenty days plus one of receipt of this paper, why an order should not be issued granting the following relief:

- 1) DIRECTING the respondents to file the "enclosed" action at law titled "Vidurek v Koskinen, et al;" plaintiff having a lawful right to proceed without cost. to correct the violations alleged in the annexed Verified Petition, and upon failure to do so within the time set for certifying the correction of such violations, for an order direction the clerk or judge to enter a default judgment as per Rule 55⁴ against the respondents for the penalties stated in the attached Action at law.

Respondents have been advised of the following, under the title "File on Demand" at the time of original filing of "Vidurek v Koskinen, et al".

MANDATORY NOTICE OF CLAIMANT'S RIGHT TO COURT WITHOUT "FEES" As found in: New York ex rel. Bank of Commerce v. Commissioner of Taxes for City and County of New York, 2 Black 620 (1863) Please take mandatory notice (Federal Rules of Evidence 201(d)) that Plaintiff has a lawful right to proceed without cost, based upon the following US Supreme Court ruling: "*a natural individual entitled to relief is entitled to free access to its judicial tribunals and public offices in every State in the Union*" (2 Black 620, see also Crandall v. Nevada, 6 Wall 35). "*Plaintiff should not be charged fees, or costs for the lawful and constitutional right to petition this court in this matter in which he is entitled to relief, as it appears that the filing fee rule was originally*

² PEOPLE. People are supreme, not the state. [Waring vs. the Mayor of Savannah, 60 Georgiaat 93]; The people of this State, as the successors of its former sovereign, are entitled to all the rights which formerly belonged to the King by his prerogative. Lansing v. Smith, 4 Wend. 9 (N.Y.) (1829), 21 Am. Dec. 89 10C Const. Law Sec. 298; 18 C Em.Dom. Sec. 3, 228; 37 C Nav.Wat. Sec. 219; Nuls Sec. 167; 48 C Wharves Sec. 3, 7.; The state cannot diminish rights of the people. [Hertado v. California, 100 US 516]; Preamble to the US and NY Constitutions - We the people ... do ordain and establish this Constitution...; ...at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects...with none to govern but themselves... CHISHOLM v. GEORGIA (US) 2 Dall 419, 454, 1 L Ed 440, 455, 2 DALL (1793) pp471-472:

³ COURT - [Black's, 4th] The person and suit of the sovereign; the place where the sovereign sojourns with his regal retinue, wherever that may be.; [Isbill v. Stovall, Tex.Civ.App., 92 S.W.2d 1067, 1070; Court of "Law" means Court of Common Law - a court for the People CORAM IPSO REGE - BEFORE THE KING HIMSELF


⁴ Rule 55. Default; Default Judgment (a) Entering a Default. When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default.

implemented for fictions and subjects of the State and should not be applied to the Plaintiff who is a natural individual and entitled to relief" Hale v. Henkel)(201 U.S. 43

AMERICAN JURISPRUDENCE CONSTITUTIONAL LAW - §326 FREE JUSTICE AND OPEN COURTS; Remedy for All Injuries.- In most of the state Constitutions there are provisions, varying slightly in terms, which stipulate that justice shall be administered to all without delay or denial, without sale or prejudice, and that the courts shall always be open to all alike. These provisions are based largely upon the Magna Charta, chap. 40, which provides; "*We will sell to no man. We will not deny to any man either justice or right.*" The chief purpose of the Magna Charta provision was to prohibit the King from selling justice by imposing fees on litigants through his courts and to deal a death blow to the attendant venal and disgraceful practices of a corrupt judiciary in demanding oppressive gratuities for giving or withholding decisions in pending causes. It has been appropriately said that "*in a free government the doors of litigation are already wide open and must constantly remain so*". The extent of the constitutional provision has been regarded as broader than the original confines of Magna Charta, and such constitutional provision has been held to prohibit the selling of justice not merely by magistrates but by the State itself.

SUFFICIENT reason appearing, therefore let service of a copy of this Order together with the papers upon which the plaintiff has a unalienable right. Proof of such service may be filed on or before the return date of this motion. Hence, a constitutional provision that right and justice shall be administered according to such guaranties is mandatory upon the departments of government,

Dated: March 12, 2015; Dutchess County, New York



John Vidurek, in pro per⁵;
Sealed and delivered⁶

⁵ Most legal dictionaries define the term "pro se" as someone who represents them self. Black's Law 4th edition, 1891 defines it "in person", therefore we used the term "in pro per", in that capacity we accept the term "pro se" not to be confused with one representing their fiction whereby the jurisdictional fraud might be assumed and statutes applied as a subject.

⁶ SEAL (Blacks 4th) A particular sign, made to attest in the most formal manner, the execution of an instrument. Merlin defines a seal to be a plate of metal with a flat surface, on which is engraved the arms of a prince or nation, or private individual, or other device, with which an impression may be made on paper or parchment in order to authenticate them. The impression thus made is also called a "seal." SEALED AND DELIVERED. These words, fol. rowed by the signatures of the witnesses, constitute the usual formula for the attestation of conveyances.

CERTIFIED MAIL®



7014 2120 0003 2103 1473

Mr John Vidurek
1 South Dr
Hyde Park NY 12538

U.S. POSTAGE
PAID
HYDE PARK, NY
12538
MAR 12, 15
AMOUNT
\$11.95
00115482-04



10601

1021

*Return Receipt Requested
Showing Address
Where Delivered*

United States District Court for the
Southern District of New York
300 Quarropas St,
White Plains, NY 10601
Court Clerk

